

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

MARTINE DIVITO,

Plaintiff,

v.

CITY OF BEDFORD HEIGHTS, ET
AL.,

Defendant.

:
:
:
:
:
:
:
:
:
:
:

CASE NO. 1:23-cv-00525

ORDER
[Resolving Doc. 8]

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

Defendants Bedford Heights and Fletcher Berger move for judgment on the pleadings. Because Plaintiff Martine Divito amended her complaint while Defendants' motion pended, the Court **DISMISSES** Defendants' motion as moot, without prejudice.

On March 15, 2023, Plaintiff Divito filed a complaint that alleged Defendants unlawfully terminated Divito from her Bedford Heights job. On May 8, 2023, Defendants answered. On June 13, 2023, Defendants filed this motion under Federal Civil Procedure Rule 12(c) for a judgment on the pleadings.

On July 11, 2023, rather than respond to the motion, Plaintiff filed an amended complaint. An amended complaint "supersedes all previous complaints,"¹ "making [pending motions related to] the complaint moot."²

So, the Court **DISMISSES** Defendants' Rule 12(c) motion as moot, without prejudice. Defendants may reraise the same arguments in a future Rule 12 motion.

¹ Parry v. Mohawk Motors of Mich., Inc., 236 F.3d 299, 306 (6th Cir. 2000)

² Green v. Mason, 504 F. Supp. 3d 813, 826 (S.D. Ohio 2020) (quoting Ky. Press Ass'n, Inc. v. Ky., 355 F. Supp. 2d 853, 857 (E.D. Ky. 2005)).

Case No. 1:23-cv-00525
GWIN, J.

IT IS SO ORDERED.

Dated: August 1, 2023

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE